

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

ROBERT REED,	:	CIVIL ACTION
Petitioner,	:	
	:	
v.	:	No. 09-3870
	:	
MICHAEL HARLOW, <u>et al.</u> ,	:	
Respondents.	:	
	:	

ORDER

AND NOW, this 29th day of October, 2009, upon consideration of the Petition for Writ of Habeas Corpus, Respondents' Answer thereto, Petitioner's Reply, the Report and Recommendation of United States Magistrate Judge L. Felipe Restrepo dated October 9, 2009, Petitioner's objections to the Report and Recommendation,¹ and after a thorough and independent review of the record, it is hereby **ORDERED** that:

1. Petitioner's objections are **OVERRULED**;
2. The Report and Recommendation is **APPROVED** and **ADOPTED**;
3. The Petition for Writ of Habeas Corpus is **DENIED** with prejudice and **DISMISSED** as untimely without an evidentiary hearing; and
4. There is no probable cause to issue a certificate of appealability.

BY THE COURT:

/s/ **Mitchell S. Goldberg**

MITCHELL S. GOLDBERG, J.

¹ Petitioner's "Memorandum of law in support of habeas corpus petition," filed pursuant to LOCAL CIV. R. 9.4 was not considered. LOCAL CIV. R. 9.4 applies to capital habeas petitions and the above-captioned action is not a death penalty case. Furthermore, LOCAL CIV. R. 9.3 gives the Court discretion to consider matters filed outside the forms provided by the Clerk of Court for petitions for writ of habeas corpus.